

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

| | | |
|--|---|--------------------------|
| SANDRA E. FLUCK, |) | |
| |) | |
| Plaintiff, |) | |
| |) | C. A. No. 06-188-GMS |
| v. |) | |
| |) | |
| BELLA VISTA DEVELOPMENT, LLC, |) | |
| a Virginia corporation, BELLA VISTA |) | TRIAL BY A JURY DEMANDED |
| TOWNHOME CONDOMINIUM |) | |
| ASSOCIATION, INC., a Delaware |) | |
| Corporation, RESORT REALTY GROUP, |) | |
| INC., a Delaware corporation, WILLIAM J. |) | |
| MITCHELL, individually, and WAYNE |) | |
| MITCHELL, individually, |) | |
| |) | |
| Defendants. |) | |

DEFENDANT RESORT REALTY GROUP, INC.'S MOTION IN LIMINE

Defendant Resort Realty Group (Defendant), by and through its undersigned counsel, hereby moves this Court for an Order excluding portions of the testimony of Lawrence C. Dinoff, and any testimony relating to the replacement of the paver step at Unit 5 of Building A (hereinafter "the paver step") subsequent to the Plaintiff's alleged injuries..

Defendant respectfully refers the Court to the factual assertions and legal arguments made in Defendant's Opening Brief in support of this Motion, filed contemporaneously herewith and included herein by reference.

WHEREFORE, Defendant respectfully requests this Court to grant the Motion in Limine and to award such other relief as is just and proper.

FERRY, JOSEPH & PEARCE, P.A.

/s/Robert K. Pearce

ROBERT K. PEARCE, ESQ. (I.D. No. 191)

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Attorneys for Defendant

Resort Realty Group, Inc.

Dated: September 6, 2007

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| MITCHELL, individually, and WAYNE |) | |
| MITCHELL, individually, |) | |
| |) | |
| Defendants. |) | |

ORDER

AND NOW, TO-WIT, this _____ day of _____, 2007, the foregoing Motion in Limine having been presented to and considered by the Court,

IT IS HEREBY ORDERED that Defendant Resort Realty Group, Inc.'s motion is GRANTED, and the following testimony is hereby excluded from these proceedings:

- 1) Any testimony by Lawrence C. Dinoff relating to ASTM, ANSI, CPSC, and/or NFPA standards; and,
- 2) Any testimony or evidence relating to the replacement of the paver step in front of Unit 5 of building A subsequent to Plaintiff's alleged injuries.

The Honorable Gregory M. Sleet
United States District Court Judge

CERTIFICATE OF SERVICE

I, Robert K. Pearce, Esquire do hereby certify that on June 21, 2007 I electronically filed the foregoing *Defendant Resort Realty Group, Inc. 's Motion in Limine* with the Clerk of Court using CM/ECF which will send notification of such filing to the following:

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I.D. No. 191

Dated: September 6, 2007